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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,082	04/02/2007	Petra Liedmeyer	BU-24PCT	4322
40570	7590	10/09/2008		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017				
EXAMINER				
PATEL, KIRAN B				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
10/09/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,082

**Applicant(s)**

LIEDMEYER ET AL.

**Examiner**

Kiran B. Patel

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

Non-Final Rejection (10/9/08)

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

1. Claims 1-10, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1-10, "at least approximately parallel" and "essentially elliptical" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### Claim Rejections - 35 USC § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 9, 10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Shiromura (6,068,326).

Regarding Claims 1, 2, 9, 10, Shiromura (6,068,326) as best understood, discloses the invention as claimed to include a movable vehicle roof for a convertible vehicle which is at least partially covered with a flexible roof covering 5, which is supported from below by one or more bows 7 that extend transversely to the direction of vehicle travel, wherein at least one bow is designed with multiple parts and has a middle section that is connected to lateral mounting fixtures 9-10, wherein, to connect the middle section to the mounting fixtures, fastening means 12a are provided, which, when the roof is closed, are parallel to the plane of the outer roof covering in the area of each bow Fig 1-14; wherein the mounting fixtures engage positively with the middle section, and in that the

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Deleted: Claims, elected for prosecution, are confusing and are not clear because reference characters "4, 5, " and "6" have both been used to designate structural element, which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.¶ Claims, elected for prosecution, are confusing and are not clear because reference character "6" has been used to designate both "one element in Claims 2" and "first element in Claim 9", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.¶ Claims, elected for prosecution, are confusing and are not clear because reference character "13" has been used to designate both "an attachment tab in Claims 10" and "and section in Fig 2", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.¶ Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such (1)

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fastening means pass through both parts Fig 1-14, wherein the mounting fixture has a flattened shape Fig 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4, 5, 8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiromura (6,068,326) and further in view of Cowsert (5,829,820).

Regarding Claims 3, 4, 5, 8, Shiromura (6,068,326) discloses the invention as claimed.

However, Shiromura does not disclose (6,068,326) a retaining channel; a recessed insertion region; and elliptical bow.

Cowsert (5,829,820) discloses a retaining channel 18; a recessed insertion region Fig 4; and elliptical bow Fig 4.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Shiromura (6,068,326), to include a retaining channel; a recessed insertion region; and elliptical bow, as disclosed by Cowsert (5,829,820), to provide elliptical bow with a retaining channel.

As to claims 6-7, as best understood, given the device of Shiromura (6,068,326) in view of Cowsert (5,829,820), it would have been obvious to widen the insertion towards the center.

Applicant may seasonally challenge, for the official record in this application, this and any other statement of judicial notice in timely manner in response to this office action. Please specify the exact statement to be challenged. Applicant is reminded, with respect to the specific challenge put forth, of the duty of disclosure under Rule 56 to disclose material which is pertinent to patentability including claim rejections challenged by applicant.

Deleted: a passenger seat 8, an anchor arrangement configured to detachably couple to a rearwardly facing infant seat 10, an anchor point 12a, and a tether 11, ¶

Deleted: Claim Rejections - 35 USC § 103(a)¶

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:¶

A person shall be entitled to a patent unless -¶

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.¶

¶ The changes made to 35 U.S.C. 102

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**Conclusion**

4. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F 8:00 to 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiran B. Patel/

Kiran B. Patel, P.E.  
Primary Examiner  
Art Unit 3612

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-##Claims 4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. (4,792,180) as applied to claim 11 and further and in view of ordinary skill in the art. ¶  
Regarding Claims 4, 7, Jacobson et al. (4,792,180) discloses the invention as claimed. ¶  
However, Jacobson et al. (4,792,180) does not disclose that the inner layer is reinforced with glass fiber and the outer skin is made of plastic. ¶  
It would have been obvious to one having ordinary skill in the art at the time the invention was made to reinforce the inner layer with glass fiber and the outer skin is made of plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use to optimize the cost of the product made in light of size, availability, capacity to manufacture, manufacturing technology, transportability, optimize the number of parts, safety and other considerations and still meet the design specifications. Higher level of cost efficiency can be achieved by identifying the required material from materials known/available in the open market place than to develop new material. ¶  
¶  
-##Following Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (6,338,514); Wadley (6,139,423) as applied to claim 11 and further in view of ordinary skill in the art. ¶  
Regarding Claims 1-12, Arnold et al. (6,338,514) in Fig 1-2 discloses the invention as claimed to include an outer housing 9 with rear face, air openings 15, 16, an internal air [3]

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